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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,325	04/21/2004	Yoshinori Osakabe	119513	4239

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EXAMINER	
WORKU, NEGUSSIE	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
04/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/828,325	OSAKABE, YOSHINORI	
	Examiner	Art Unit	
	NEGUSSIE WORKU	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 11-13* is/are rejected.

7)☒ Claim(s) *2-10 and 14-21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/13/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is a replay to the application filed on 04/21/04, in which, claims 1-21 are pending. Claims 1 and 13 are independent. Claims 2-12 and 14-21 are dependent.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 05/13/04, have been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 11-12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtsu (USP 5,970,181).

With respect to claim 1, Ohtsu '181' discloses an image reading device (as shown in fig 1 and 2) comprising; an original mounting portion on which an original having an image region is placed (copy machine 2 of fig 1, includes platen 6, to place an original to be read, col.4, lines 65 through col.5, lines 1-5); an original reading unit movable in a reading direction for reading the image region, the image region having an image region length in the reading direction (original reading unit 20 of fig 1, moveable in a reading direction by pulse motor along the under surface of platen 6, col.5, lines 15-25); a movement control unit (control system of main CPU 200 of fig 4A, col.7, lines 55-65) controlling the original reading unit to provide an acceleration region where the original reading unit accelerates from a halted state to a moving velocity, (col.12, lines 45-55) a constant-velocity region where the original reading unit maintains the moving velocity, and a deceleration region where the original reading unit decelerates from the moving velocity to the halted state, (col.12, lines 35-68) the original reading unit reading the image region at least in the constant-velocity region, the original reading unit starting to decelerate at a deceleration start position that is positioned between the constant-velocity region and the deceleration region (as shown in fig 8a, accelecration and deceleration and uniform velocity is determined by control system 200 of fig 2, col.12, lines 5-55); a velocity setting unit (CPU 200, set the moving starting point) setting the moving velocity of the original reading unit based on a specified image reading mode;

and a deceleration-start-position setting unit setting the deceleration start position based on the moving velocity set by the velocity setting unit (col.11, lines 25-65).

With respect to claim 11, Ohtsu '181' discloses an image reading device (as shown in fig 1 and 2), wherein the specified image reading mode is specified from a plurality of predetermined modes (col.9, lines 15-25, black/white reference plate which is a monochrome and color reference are pre-determined mode).

With respect to claim 12, Ohtsu '181' discloses an image reading device (as shown in fig 1 and 2), wherein the plurality of predetermined modes includes a plurality of monochrome modes having different resolutions in a scanner function, a plurality of color modes having different resolutions in the scanner function, (col.9, lines 15-25, black/white reference plate which is a monochrome and color reference are pre-determined mode), a mode corresponding to a copy function, (copy machine 2 of fig 1) and a plurality of modes corresponding to original image types and resolutions in a facsimile function (col.9, lines 15-25, black/white reference plate which is a monochrome and color reference are pre-determined mode).

With respect to claim 13, Ohtsu '181' discloses an image reading device (as shown in fig 1 and 2) comprising; an original mounting portion on which an original having an image region is placed (copy machine 2 of fig 1, includes platen 6, to place an original to be read, col.4, lines 65 through col.5, lines 1-5); an original reading unit

movable in a reading direction for reading the image region, the image region having an image region length in the reading direction (original reading unit 20 of fig 1, moveable in a reading direction by pulse motor along the under surface of platen 6, col.5, lines 15-25); a movement control unit (control system of main CPU 200 of fig 4A, col.7, lines 55-65) controlling the original reading unit to provide an acceleration region where the original reading unit accelerates from a halted state to a moving velocity, (col.12, lines 45-55) a constant-velocity region where the original reading unit maintains the moving velocity, and a deceleration region where the original reading unit decelerates from the moving velocity to the halted state, (col.12, lines 35-68) the original reading unit reading the image region at least in the constant-velocity region, the original reading unit starting to decelerate at a deceleration start position that is positioned between the constant-velocity region and the deceleration region (as shown in fig 8a, acceleration and deceleration and uniform velocity is determined by control system 200 of fig 2, col.12, lines 5-55); a velocity setting unit (CPU 200, set the moving starting point) setting the moving velocity of the original reading unit based on a specified image reading mode; and a deceleration-start-position setting unit setting the deceleration start position based on the moving velocity set by the velocity setting unit (col.11, lines 25-65).

Claims Objected to having Allowable subject matter

6. Claims 2-10 and 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2 through 10 are allowed for the reason the prior art searched and of record neither anticipates nor suggests the image reading device, further comprising a region-length acquisition unit acquiring the image region length, wherein the deceleration-start-position setting unit s includes a velocity comparison unit comparing the moving velocity set by the velocity setting unit with a reference velocity, thereby obtaining a comparison result; and wherein, if the velocity comparison unit has obtained the comparison result that the moving velocity set by the velocity setting unit is greater than the reference velocity, the deceleration-start-position setting unit sets the deceleration start position to one of a position within the image region and a position immediately downstream of the image region in the reading direction, depending on the image region length and the moving velocity set by the velocity setting unit.

Claims 14 through 21 are allowed for the reason the prior art searched and of record neither anticipates nor suggests the image reading device, wherein the deceleration-start-position setting unit includes a region-length comparison unit comparing the image region length with a reference region length, thereby obtaining a comparison result; and wherein the deceleration-start-position setting unit sets the deceleration start position to one of a position within the image region and a position immediately downstream of the image region in the reading direction, depending on the comparison result of the region-length comparison unit.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625